PETITION AND COURT'S ORDER TO

TAKE TESTIMONY

Willia Townsend and Authur Townsend, her husband

In Equity.

Vs.

Livinia E.Benjamin et al.

To the Honorable the Judges of said Court!-

The petition of Willia Townsend and Arthur Townsend, her husband, plaintiffs in this case, respectfully represents that they desire to take testimony in this case, and pray that leave be granted them to do so before one of the Stand Examiners of this Court.

And as in duty bound.

Reno S. Harp.
Solicitor for Plaintiffs.

Judge.

No. 9 3 9 2 E Q U I T Y.

Ordered this 14th day of January, A.D. 1916 by the Circuit Court for Frederick County, sitting as a Court of Equity, that leave be granted to the parties to this cause to take testimony as prayed before one of the Standing Examiners of the Court.

Edward C.Peter.

Filed January 14,1916.

TESTIMONY

Willia Townsend and Arthur Townsend her husband,

Vs.

Lavenia E.Benjamin, widow, Georgia McCann and William J.McCann, her husband, William Decker, and Blane Decker, infant. No. 9392 EQUITY.

In the Circuit Court

For Frederick County,

In Equity.

To the Honorable, the Judges of said Court!-

The above cause being at issue and pursuant to the order of your Honorable Court passed in the above entitled cause and at the request of the solicitor for the respective parties, I, D. Princeton Buckey, one of the standing Examiners of the Girouit Court of Frederick County, duly appointed and sworn met at the law office of Reno S. Harp, Esq., in Frederick City, Maryland, on the 20th day of January, 1916, and then and there in the presents of the solicitor for the respective parties and the witnesses proceeded to take the following depositions, that is to say!-

Present, Reno S. Harp, Esq. Solicitor for Plaintiffs.

Levenia Benjamin, a witness of lawful age, produced on the part of the plaintiff and having been duly sworn and examined viva voce deposes and says, as follows!-

My name is Lavenia E.Benjamin, I am 50 years of age and I reside at 1609 Jackson Street, Baltimore City, Maryland, and I know all the parties to this suit. I knew Roy E.Benjamin, late of Frederick County deceased he was my son. He is dead. He died September 4th, 1915, in a hospital in Baltimore and left no will at the time of his death. He was single at the time of his death and was seized and possessed of two lots and two houses, one of them located on Third Street, in Brunswick, Frederick County, Maryland, and the other lot located on Middle Street, Brunswick, Frederick County, Maryland, doth of which said lots my son Roy E.Benjamin purchased from George W. Wachtel and Reno S. Harp, Assignees, of the Myersville Savings Bank, by a deed dated the 8th day of August, in the year 1903, and which is fully described in "Exhibit Deed" filed with the Bill in this case.

My son Roy E. Benjamin gave a mortgage to the Myersville Savings Bank, a body corporate, of Myersville Frederick County, Maryland, on the property on the 15th day of August, 1903 for the sum of \$1800.00 which is still due and unpaid. My son was also indebted to the Myersville Savings Bankon two notes, one for the sum of \$100.00 and the other for the sum of \$35.00. The aforesaid mortgage was filed in said cause and marked "Exhibit Mortgage".

My san Roy E. Benjamin left surviving him at the time of his death his mother, the said Lavenia E. Benjamin, a resident of Baltimore City, Maryland, and two sisters and the child of a deceased sister as his only heirs at law. His father, George W. Benjamin, died March 5th, 1908.

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